



PATENT APPLICATION

Our Docket No. 20040351.DIB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re App : Carol W. Readhead et al. : August 22, 2006  
S.N. : 10/008,385 : Art Unit 1632  
Filed : November 12, 2001 : Examiner Joanne Hama  
For : TRANSFECTION, STORAGE AND TRANSFER  
OF MALE GERM CELLS FOR GENERATION  
OF TRANSGENIC SPECIES & GENETIC THERAPIES

-----  
**LETTER**

Mail Stop APPEAL BRIEF - PATENTS  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to an official communication in the form of a Notification of Non-Compliant Appeal Brief Under 37 CFR 41.37 dated August 18, 2006. That Notification has a shortened-statutory period for response of one month or thirty days so that a reply is due by September 18, 2006.

The Brief was cited for failure to include an Evidence Appendix and a Related Proceedings Appendix. Accordingly, enclosed is an Amended Brief which contains these sections and, where appropriate, references have been added to refer to the Evidence Appendix and copies of cited documents have also been enclosed.

It is believed that the enclosed Brief should now be in full compliance and the Appeal can proceed.

The Commissioner is authorized to charge any additional fees or refund any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in black ink, appearing to read "C. G. Mersereau". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

C. G. Mersereau  
Registration No. 26205  
Attorneys for Applicant(s)  
900 Second Avenue South  
Suite 820  
Minneapolis, MN 55402  
(612) 339-7461



## CERTIFICATE OF MAILING

I hereby certify that the foregoing Letter in response to the Notification of Non-Compliant Appeal Brief Under 37 CFR 41.37 dated August 18, 2006, an Amended Appeal Brief for the Appellants in triplicate, Appendix A, B, C and D in triplicate and copies of cited references in application Serial No. 10/397,438, filed on November 5, 2003, of So Iwata et al, entitled "CRYSTALLOGRAPHY METHODS", are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on August 22, 2006.

A handwritten signature in cursive script, reading "Barbara L. Davis".

Barbara L. Davis  
on behalf of C. G. Mersereau  
Attorney for Applicant

Date of Signature: August 22, 2006